

New Provisions of Howard County Landlord Tenant Law Effective December 12

Earlier this year, the Howard County Council enacted new provisions to the County Code giving tenants additional protection when renting housing in Howard County. The law, which supplements protections already available under state law, requires that tenants receive notice about their rights before they sign a lease, prohibits retaliatory actions and protects tenant organizations.

Effective December 12, 2018, landlords must also ensure that their leases meet certain criteria set forth in the law. Among other things, leases must:

- Inform tenants of where they can inspect the landlord's current rental license and advise them that if the landlord fails to apply for a renewal of its license, they may terminate the lease without penalty;
- State whether tenants are obligated to pay for heat, electricity, gas, water and sewer service, trash collection or similar services, and if so, also disclose that the landlord cannot collect more than the cost of the service and provide substantiation upon request;
- Inform tenants that the landlord may enter the property at a mutually agreed upon time after giving the tenant at least 24 hours-notice to make repairs or improvements, allow for County housing inspections or show the dwelling to prospective buyers, mortgagees or tenants. However:
 - The landlord and tenant may agree in writing to less notice, and tenants may not unreasonably refuse to allow the landlord to enter for these purposes.
 - Landlords may, however, enter without notice if there is an emergency or if the landlord has a reasonable basis for believing that the tenant has damaged the unit or is in violation of the lease.
- State that tenants may terminate their lease on 60 days' written notice and be held liable for no more than the lesser of 2 months' rent or actual damages if they can document one of the following conditions:

- the tenant has an involuntary change of employment to a location more than 100 miles from the current place of residence;
- a wage earner whose income was used to qualify for the lease becomes involuntary unemployed or dies.
- the tenant is unable to live in the dwelling because of a medical condition that: restricts her ability to move within or to enter or exit the dwelling or, requires the tenant to move to a facility to obtain a higher level of care.
- If a ratio utility billing system (RUBS) is used to calculate water, sewer, electricity or gas service, state how such calculations will be made.

In addition, leases entered into after December 12 may not:

- Impose a late fee of for non-payment of rent if payment is made within 5 days of the due date;
- Impose a late fee that exceeds 5% of the rent due for that period;
- Require that tenant agree to pay court costs, legal fees or attorney fees other than those awarded by a court for breach of lease;
- Require a tenant pay any money other than: an application fee, security deposit, rent, utility charges or fees for the use of amenities or common areas that the tenant may elect of use, such as pools, fitness facilities or dedicated parking spaces.

For more information, visit the Office of Consumer Protection's website at: www.howardcountymd.gov/landlordtenant. For questions, or to obtain this information in an alternative format, contact the Office of Consumer Protection at 410-313-6420 or consumer@howardcountymd.gov.